

**SUBCHAPTER 610**

**HOURS OF DUTY**

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## **SUBCHAPTER 610**

### **HOURS OF DUTY**

- References:**
- (a) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
  - (b) Sections 6101-6133 of title 5, United States Code
  - (c) Title 5, Code of Federal Regulations, Part 610, "Hours of Duty," current edition
  - (d) Executive Order 11582, "Observance of Holidays by Government Agencies," February 11, 1971

#### **A. WEEKLY AND DAILY SCHEDULING OF WORK**

**Purpose.** This Subchapter implements DoD policy under references (a) through (c). Provisions applicable to the Senior Executive Service will be covered in CPM Chapter 900, "Executive Resource System."

#### **B. HOLIDAYS**

**Purpose.** 5 CFR 610.201-202 (reference (c)) and E. O. 11582 (reference (d)) provide guidance on the identification and determination of holidays.

a. When an employee's regularly scheduled tour of duty includes two shifts which begin within the same 24-hour period, holiday benefits apply to the calendar day on which the first shift begins.

b. Part-time employees are not entitled to "in-lieu-of holidays." However, when a part-time employee is prevented from working because the activity is closed to provide full-time employees an in-lieu-of holiday, the part-time employee may either be placed in an appropriate leave category or be excused (placed on administrative leave) without loss of pay for the number of hours he or she is regularly scheduled to work on that day.

#### **C. ADMINISTRATIVE DISMISSALS OF EMPLOYEES**

1. **Introduction.** This section covers situations in which a commander or head of activity uses his or her authority to close all or part of an activity and, consistent with that closure, administratively excuses the non-emergency civilian workforce. This includes unanticipated curtailment of operations based on extreme weather, natural disasters, and unforeseen interruptions of transportation or building services (potential health or safety risk).

##### **2. General**

a. The Assistant Secretary of Defense for Force Management Policy (ASD(FMP)) has overall responsibility for DoD policy concerning administrative dismissal of DoD employees affected by emergency situations.

b. It is within the administrative authority of a commander or head of activity to close all or part of an activity and to excuse administratively non-emergency employees during such closure. This authority is not intended to cover extended periods of interrupted or suspended operations that can be anticipated sufficiently in advance to permit arranging for assignment to other work or scheduling of annual leave, compensatory time earned, credit hours, or leave without pay (LWOP).

c. Employees in the Washington, D.C. metropolitan area (i.e., their duty station is inside the Washington Capital Beltway) should follow the Washington, D.C., Area Emergency Dismissal or Closure Procedures as administered by the DoD Component or Washington Headquarters Services, as appropriate.

d. In geographical areas (defined as areas within which employees normally commute to work) where the conditions affect more than one Defense activity, the commander or head of activity employing the largest number of civilian employees shall make the determination if an emergency exists and assess the appropriateness of authorizing administrative dismissal of non-emergency employees. Decisions by other commanders and heads of activities within the geographical area in question which are at variance with the decision of the major geographical area commander or head of activity must be coordinated with that commander or head of activity. As appropriate, coordination with non-Defense Federal installations in the area may be undertaken through Federal Executive Boards or similar organizations of Federal officials.

### 3. **Criteria**

a. Group dismissal should be rare and authorized only when conditions are severe or normal operations would be significantly disrupted. This authority may not be used to create the effect of a holiday (to include activity down days and training days).

b. Group dismissal authority may be used to the extent warranted by good administration for short periods. Group dismissals will normally not exceed 3 consecutive workdays in a single period. When approving group dismissals, commanders or heads of activities must consider practices of private employers in the area, the use of unscheduled leave in individual cases, and the severity of working or commuting conditions.

c. Before group dismissal authority may exceed 3 consecutive workdays, the commander or head of activity must consider using options such as details to other activities, the use of unscheduled leave and the use of furlough authority. In rare cases, when group dismissal is approved beyond 3 consecutive workdays, the administrative order must document why other alternatives could not be used and the reason(s) for the length of the anticipated dismissal.

d. When all or part of an activity is closed for short periods because of planned management action and arrangements cannot be made for assignment to other work, employees shall be notified as far in advance as possible but no less than three full work days when circumstances permit, and shall be required to take annual leave, compensatory time earned or credit hours, unless LWOP is requested.

4. **Responsibilities.** Annually, activities shall publicize written procedures for emergency situations that indicate the means of employee notification; reiterate early release and late arrival practices, including policies for approving absences; and identify “emergency employees” who are expected to report for, or remain at, work in emergency situations unless otherwise notified.

5. **Charging Leave in Emergency Situations**

a. **Emergency Employees.** Emergency employees who do not report for work as required, may be charged annual leave, sick leave, credit hours, compensatory time earned, LWOP, or absence without leave (AWOL), if appropriate.

b. **Employees in Special Situations.** Employees on LWOP pending disability retirement or while in receipt of Workers’ Compensation, on military leave, suspension, or in a nonpay status the workday before and after a closure, shall be continued in that status.

c. **Emergency Situations Occurring Before the Start of the Workday**

(1) When an activity is open and employees are expected to report to work on time, employees may be authorized use of annual leave, credit hours, LWOP, compensatory time earned, or excused for reasonable tardiness when they experience commuting delays.

(2) When the activity is open but some employees might be prevented from reporting to work or returning home safely, an unscheduled leave policy may be instituted.

(3) When an activity is closed, all affected non-emergency employees should be excused (placed on administrative leave) without loss of pay, whether or not other leave was previously approved.

d. **Emergency Situations Occurring During the Workday**

(1) When an activity remains open and employees are expected to complete the day’s tour, they may be granted annual leave, credit hours, compensatory time earned, or LWOP.

(2) When an activity suspends operations, as much as practical, all non-emergency employees on duty at the time of dismissal should be excused (placed on administrative leave) without loss of pay, even if they were scheduled to take leave later in the day.

(a) Excused absence (administrative leave) may be granted to avoid hardship for employees who are authorized to leave after official notice of dismissal, but before official departure time, for the period remaining until official departure time. When an employee leaves after receiving official word of the pending dismissal but before the time set for dismissal (with supervisory approval) in a situation not involving a hardship, annual leave, credit hours, compensatory time earned, or LWOP may be charged as appropriate for the period remaining until the employee’s official departure time, i.e., the authorized dismissal time.

(b) Annual leave, credit hours, compensatory time earned, or LWOP may be granted, or AWOL may be charged, if appropriate, to employees who leave before official notice of dismissal, for the period remaining until the end of the regular workday.

(c) When an employee was scheduled to return from leave during the dismissal period, the activity should continue to charge leave for the absence until the time set for dismissal, then charge any continuing absence due to the emergency in the same manner as absences of other employees who were on duty at the time of dismissal, i.e., as an excused absence.

(d) Non-emergency employees who are scheduled to report for work before the dismissal, but who don't report, should be granted leave, compensatory time earned, credit hours or charged AWOL, if appropriate, for the entire workday.

#### **6. Miscellaneous Provisions**

a. When employees are prevented from working because of temporary shut-downs due to labor disputes at a private plant to which they are assigned, every effort must be made to assign them to other work. If that assignment is not possible, employees may be excused (placed on administrative leave) without loss of pay.

b. When private plants are closed based on a planned shutdown (e.g., Christmas or other scheduled period) and employees cannot be assigned other work, employees may not be excused (placed on administrative leave), but should be carried in an appropriate leave status (e.g., annual leave, compensatory time earned, credit hours, or LWOP).

### **D. FLEXIBLE AND COMPRESSED WORK SCHEDULES**

1. **General.** The authorities assigned to agencies in 5 U.S.C. 6120-6133 (reference (b)) and 5 CFR 610.401-407 (reference (c)), which define "agency" as any Executive Agency or any Military Department, are delegated to the heads of the DoD Components (or designees).

#### **2. Flexible Work Schedules**

a. To preclude the use of administrative leave, plans for administration of flexible work schedules must address the occurrence of more than one holiday in a single pay period. Flexible work schedules should be administered so as to allow employees to fulfill the biweekly work requirement during those days when they are typically available for work (i.e., not a holiday or flexible day off) so that employees may enjoy both holidays without charge to leave or loss of pay.

b. By statute, the maximum biweekly carryover is 24 credit hours for employees on flexible work schedules. This is not intended to prohibit activities from approving credit hour accumulation or carryover limitations of less than 24 hours.

3. **Hybrid Work Schedules.** Individual work schedules that combine the unique attributes of flexible and compressed work schedules are not authorized.